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Client Reference: 2990051US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
KAI SJOBLOM

Confirmation Number: 9638

Application No.: 09/903,863

Group Art Unit: 2616

Filed: July 13, 2001

Examiner: LEE, Andrew Chung Cheung

Title: CONTROLLED DATA NETWORK ERROR RECOVERY

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 4, 2006, please reconsider the patentability of the pending claims based on the following remarks. Claims 1-22 are pending.

Although claims 4-6 and 14-15 were deemed to include allowable subject matter, claims 1-3, 7-13 and 16-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Riley et al. (U.S. Patent No. 5,856,972; hereafter "Riley") in view of Balcerowski et al. (U.S. Patent No. 6,101,545; hereafter "Balcerowski"). Applicant traverses the rejection because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art fails to disclose, teach or suggest the claimed method (independent claims 1, 9 and 10), transmission system (independent claim 11) and network node (independent claims 17, 21 and 22), wherein in a possible duplication of a unit is indicated when resending it, the possible duplication showing that the unit was resent because no response was received.

As recognized by the Office Action, Riley fails to teach or suggest indication of a possible duplication of a unit when resending the unit, the possible duplication showing that the unit was resent because no response was received.. However, the Office Action asserted that Balcerowski remedies this deficiency by allegedly teaching the limitation of indicating a possible duplication of the unit when resending it, the possible duplication showing that the unit was resent because no response was received. More specifically, the Office Action cited

Balcerowski as teaching "the message was received but the acknowledgment was lost, re-sending the message would result in a duplicate message," at column 7, lines 41-49, and interpreted that this language means that the duplication showing would indicate that the unit was resent because no response was received. The Office Action further asserted that one of ordinary skill in the art would have combined the teachings of Riley and Balcerowski in order to provide protocols used in delivering messages over a network.

However, contrary to the Office Action's assertions, Balcerowski merely teaches adding the same sequence number as was in the original message to any message to be resent; thus, Balcerowski teaches that each message contains a sequence number. In accordance with the teachings of Balcerowski, all original messages contain sequence number; additionally, all resent messages (resent because communication was disrupted, the original message was lost or the acknowledgement was lost) include the sequence number of the original message sent. Balcerowski goes on to teach that sequence numbers allow detection of duplicate messages. Thus, in accordance with the teachings of Balceroski, the detection of duplicate messages is possible only if, at the receiving end, sequence numbers of each message are compared with received sequence numbers to determine duplicates.

Further, Balcerowski actually teaches that "any message with a duplicate sequence number should be ignored." (column 7, lines 49-51).

To the contrary, the claimed invention indication of a possible duplication in received messages is detected at the receiving end. Thus, Balcerowski fails to teach or suggest indicating that a message is a duplicate when resending it and also fails to teach that an indication of the reason of the resent is added to the message when the message is resent.

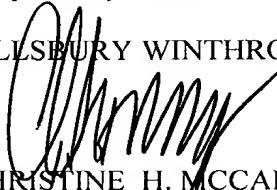
Accordingly, the combined teachings of Riley and Balcerowski, fail to disclose teach or suggest the claimed invention including expressly indicating a possible duplication of the unit when resending the unit, the possible duplication showing that the unit was resent because no response was received.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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